

REMARKS

Claims 1-10 and 12 are pending in the application. Claims 1, 3-4, 7-9 and 12 are amended above primarily to correct antecedent basis errors and other claim informalities. The title is amended to make it more descriptive. No new matter has been added to the application by way of these specification and claim amendments.

I. THE SPECIFICATION OBJECTION

The examiner objected to the application title because it is not descriptive.

The title is amended above to be more descriptive.

II. THE SECTION 112, SECOND PARAGRAPH REJECTION

The examiner rejected claims 1-12 on the basis that there is not antecedent basis for the terms “one beam splitter” and “the other beam splitter(s) in the claims.

The examiner’s rejection of claims 1-12 is overcome by amending the claims to refer to “the one beam splitter” and “the other beam splitter” as “polarising” beam splitters. Similar amendments have been made to claims 3-5, 7 and 12.

The examiner rejected claims 8-9 for being indefinite as to the number and type of beam splitters recited in the claims. The examiner also rejected claim 9 because the term “the two other prisms” lacks antecedent basis.

The examiner’s rejection of claims 8-9 are overcome by amending claim 8 above to clarify that the beam splitters are polarising beam splitters. Moreover, claim 9 is amended to provide antecedent basis for the term “the other two prisms”.

The examiner rejected claim 2 for including a comma that makes the claim indefinite.

The examiner’s rejection of claim 2 is overcome by deleting the offending comma.

III. THE ANTICIPATION REJECTION

The examiner rejected claims 1-8, 10 and 12 for being anticipated by DE 4016731 (GB 2245381). It is the examiner’s position that GB ‘381 discloses all the features of the rejected claims. The examiner’s anticipation rejection is slightly different from the anticipation rejection made in the September 18, 2007 first Office Action. The difference is that, in the first Office Action, the examiner took the position that GB ‘381 patent included a first PBS (4) and at least

one additional PBS (5-7). The examiner now takes that the position that both the claimed first PBS and the at least one additional PBS now both correspond to elements 5-7 of GB'381.

The examiner's anticipation rejection must be withdrawn because, as discussed below, elements 5-7 of GB '381 are not PBS's. Therefore, the examiner has not shown that every claim feature is found in GB '381. As noted above, independent claim 1 is amended above to make it clear that the recited spectrometer includes two or more polarizing beam splitters (PBS's). Elements 5-7 of GB '381 are not PBS's as the examiner maintains. Instead, elements 5 GB '381 is an optical wedge configuration that includes a fixed optical wedge 6 and a movable optical wedge 7. The combination is a wedge arrangement 5 that is not polarizing beam splitter (PBS). Instead, wedge arrangement 5 is understood by one skilled in the art at the time of the invention to be a variable wave plate. Indeed, GB '381 from line 17 on to page 6 to line 12 on page 7 teaches that by moving the moveable wedge, the applicable paths for the two wedges can be adjusted to change the phase shift between light components polarised parallel and perpendicular to the optic axis of the wedge material. This would be understood by one skilled in the art at the time of the invention to be a description of a variable wave plate and not a beam splitter.

GB'381 does disclose a polarizing beam splitter 16 in Figures 4-5. Indeed feature 16 is called a "polarizing beam splitter" in the specification. Thus, if features 5-7 were indeed a polarizing beam splitter, then it is highly likely that the inventor would have used that exact term to refer to the feature(s). That the inventor does not refer to features 5-7 as polarizing beam splitters is further evidence that the features are not polarizing beam splitters as the examiner insists. For at least these reasons, all pending claims are novel over GB'381 and must be allowed.

CONCLUSION

Claims 1-10 and 12 are believed to be patentable for the reasons recited above. Favorable reconsideration and allowance of all pending application claims is, therefore, courteously solicited.

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